

BOARD OF APPEALS CASE NO. 5177

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BEFORE THE

APPLICANTS: Rondy & Bonnie Reeves

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ZONING HEARING EXAMINER

REQUEST: Variance to allow an existing enclosure to a non-conforming dwelling in the Agricultural District; 3222 Forge Hill Road, Street

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 9/26/01 & 10/3/01

HEARING DATE: November 14, 2001

Record: 9/28/01 & 10/5/01

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Rondy and Bonnie Reeves, are requesting a variance, pursuant to Section 267-20B of the Harford County Code, to allow an existing enclosure on an existing porch on a non-conforming dwelling in an AG/Agricultural District.

The subject parcel is located at 3222 Forge Hill Road, Street, Maryland 21154 and is more particularly identified on Tax Map 27, Grid 3B, Parcel 126. The parcel measures 152 feet by 140 feet, is zoned AG/Agricultural and is entirely within the Fifth Election District.

The Applicant, Mrs. Bonnie Reeves, appeared and testified that at the time she and her husband purchased their property there was a small 2-bedroom house with wrap-around porch on the parcel. About seven (7) years ago, her husband enclosed the porch and they planned to use it as a third bedroom for the Applicant's mother, who was quite ill at the time. It is presently integrated into the home and is being used as the Applicant's dining room. The existing enclosure matches the exterior of the remainder of the home.

Three adjacent property owners, Timothy Bagrowski, Joyce Edwards and Robert Edwards, appeared in support of the Applicant's request. Each stated that the enclosure had never had any impact on their properties or on any other property in the neighborhood.

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The Department of Planning and Zoning describes the request and the Applicant's dilemma as follows:

"The lot is wider than it is deep. This makes it very difficult to meet both a front and rear setback. In addition to the shape of the lot, the dwelling was located to the rear and southern end of the property. The house was originally constructed in 1929 and due to its placement on the property it does not meet the current side and rear yard setback requirements and is considered non-conforming. Therefore any additions proposed to the left and rear of the house would require variances. The existing wrap around porch was enclosed in 1994. The Code requires a 50 foot setback and the enclosed porch is only 40 feet from the rear property line."

No persons appeared in opposition to the request.

CONCLUSION:

The Applicants, Rondy and Bonnie Reeves, are requesting a variance, pursuant to Section 267-20B of the Harford County Code, to allow an existing enclosure on an existing porch on a non-conforming dwelling in an AG/Agricultural District.

Harford County Code Section 267-20B provides:

"Any residential use may be continued and may be enlarged without increasing the number of dwelling units therein, provided that no such addition shall extend closer to any lot line than existing building surfaces or the required yard dimensions for the district, whichever is less."

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner finds the property unique in a number of ways. Among these reasons are its size and configuration of a rearward placement of the home which is non-

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conforming pursuant to today's Code. The house was very small when the Applicants purchased it and the old wrap-around porch already existed in the same exact location with the same exact encroachments into the setbacks as the current enclosure. Had the Applicant not enclosed the porch, no zoning action would be necessary as regards the porch as it was non-conforming. The enclosure is now an integral part of the home acting as additional interior living space. Adjacent property owners and the Applicant presented un rebutted testimony that there are no adverse impacts to any other property as a result of this requested enclosure. There would be substantial practical difficulty to the Applicant if they were required to remove the enclosure. The Applicant would be deprived of much needed and long-existing interior living space. The house is already non-conforming and this enclosure does not further impair the intent or purpose of the Code.

The Hearing Examiner recommends approval of the requested variance, subject to the Applicants obtaining the necessary permits and inspections.

Date NOVEMBER 27, 2001

William F. Casey
Zoning Hearing Examiner